



Montana Fish, Wildlife & Parks

PO Box 200701 Helena, MT 59620-0701
(406) 444-9947

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART I. PURPOSE OF AND NEED FOR ACTION

1. Project Title: Little Muddy Creek Fishing Access Site Proposed Easement

2. Type of Proposed Action:

Montana Fish, Wildlife & Parks (FWP) proposes to purchase a perpetual easement from the Montana Department of Natural Resources and Conservation (DNRC) for approximately 22 acres of Montana School Trust Land along the Missouri River in order to establish permanent access to Little Muddy Creek Fishing Access Site (FAS).

3. Location Affected by Proposed Action:

Little Muddy Creek FAS is located at the confluence of Little Muddy Creek and the Missouri River along Old U.S. Highway 91, eight miles south of Ulm and six miles north of Cascade in Cascade County in SE1/4 Section 4, Township 18 North, Range 1 East.

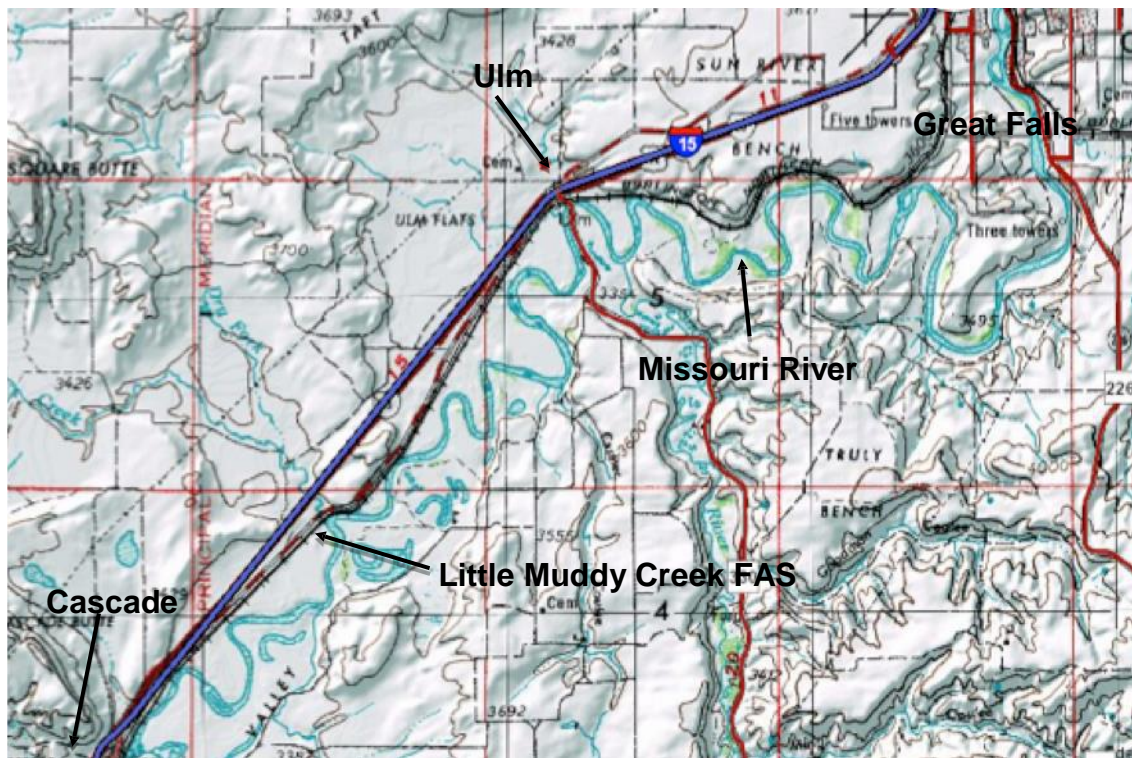


Figure 1 – General Location of Little Muddy Creek FAS, Cascade, Montana.

4. Agency Authority for the Proposed Action:

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features, and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule.

5. Need for the Action(s):

FWP entered into a renewable 10-year lease with DNRC in 2007 in order to establish a Fishing Access Site (FAS). This lease has expired, requiring FWP action in order to maintain legal access to the property and the FAS facilities. Continuing to lease the land leaves FWP vulnerable to future changes in DNRC fees that may jeopardize the future of Little Muddy Creek FAS. If FWP chose not to renew the lease, FWP's investment in FAS facilities would be lost and the public would lose a convenient and popular access to the Missouri River. A perpetual easement would allow FWP to pay a one-time fee for the property that will not be subject to annual fee increases. Doing so would secure public access into the foreseeable future.

6. Objectives for the Action(s):

The objective of the proposed project is to establish a perpetual easement on DNRC School Trust Land to provide permanent access to the Little Muddy Creek FAS into the foreseeable future.

7. Project Size: estimate the number of acres that would be directly affected:

The proposed project involves placing a perpetual easement on approximately 22 acres of Montana School Trust Land along the Missouri River and adjacent to Old Highway 91 and BNSF Railroad tracks between Cascade and Ulm, Montana.

8. Affected Environment (A brief description of the affected area of the proposed project):

Little Muddy Creek FAS is located on 22 acres of Montana School Trust Land owned by DNRC along the Missouri River six miles north of Cascade, Montana. The proposed purchase of a perpetual easement would have no impact on the natural or social resources on the site. The Montana Natural Heritage Program (MNHP) identified an emergent wetland on the southern property boundary, though no emergent wetland vegetation was observed on the property during a site visit in 2011. There are no Prime Farmlands included within the FAS boundaries, though approximately 5 acres of the riparian community along the southern border is considered Farmland of Statewide Importance. In 2004, a diversion was built on Little Muddy Creek approximately 1.5 miles northwest of the FAS to create wetland habitat and now regulates stream flow in Little Muddy Creek. Water can also be diverted to an off-channel impoundment during spring flows. The site does not provide critical habitat for any wildlife or plant species. A search of the MNHP element occurrence database indicated occurrences of bald eagle (listed as DM by the US Fish and Wildlife Service (USFWS)) within one mile of the property. Great blue heron, very, and spiny softshell, Montana animal Species of Concern, were observed within two miles of the project area as recently as 1993. The proposed purchase would have no impact on these species because the project area is small and does not provide preferred habitat for these Species of Concern. Common wildlife species that use Little Muddy Creek FAS include white-tailed deer, mule deer, beaver, river otter, muskrat, mink, raccoon, skunk, bald eagle, osprey, and waterfowl. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese and a variety of waterfowl and songbirds. Common game fish in this stretch of the Missouri River include brown trout, rainbow trout, walleye, burbot, and mountain whitefish. The proposed purchase would not have any impact on these species because the site is already highly disturbed by the railroad tracks, Old Highway 91, agriculture, and recreational use and the project area is small.



Figure 2. Little Muddy Creek Parcel Map, Cascade, MT.

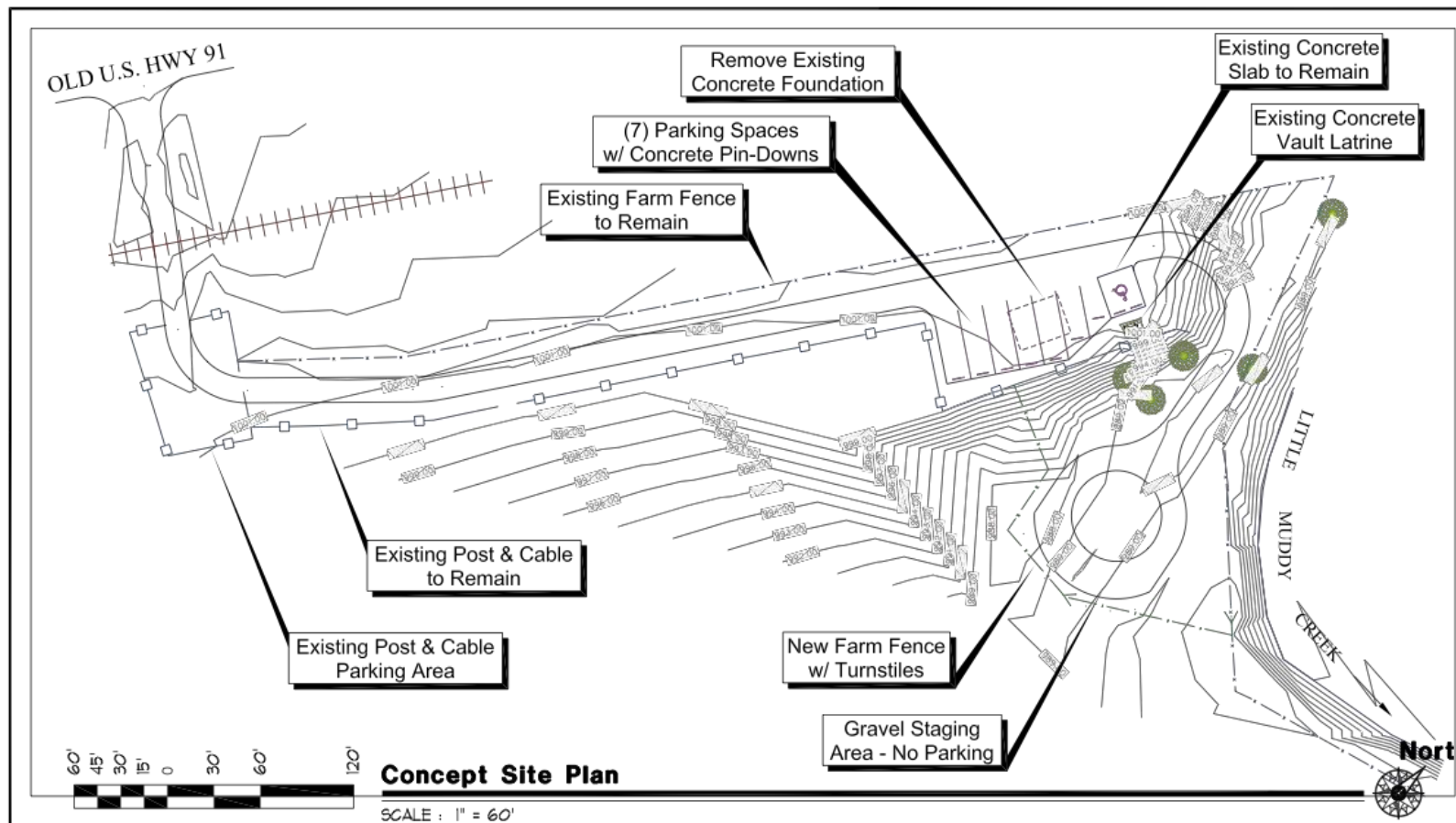
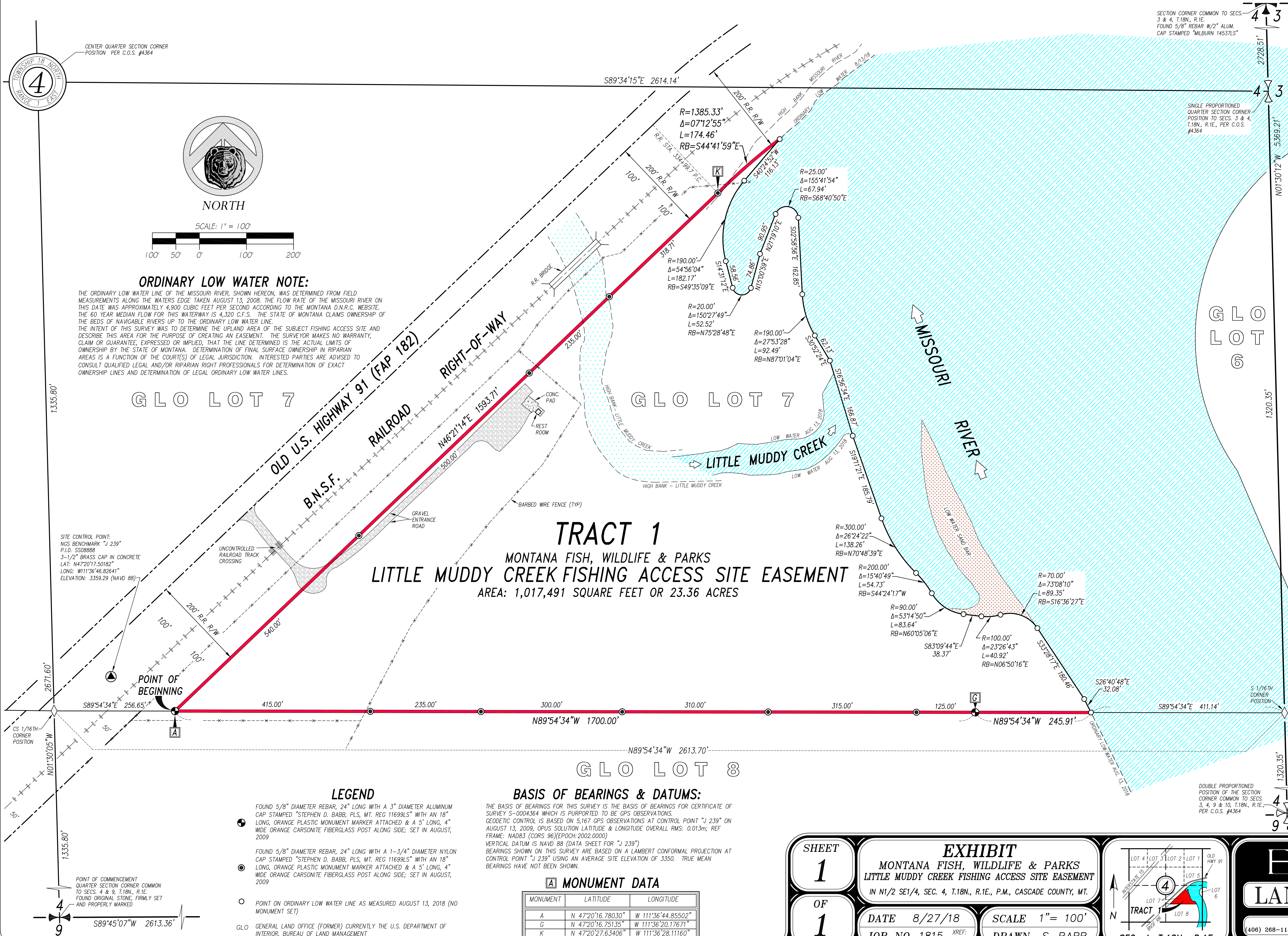


Figure 3 –Little Muddy Creek FAS Concept Plan.

EXHIBIT

MONTANA FISH, WILDLIFE & PARKS

LITTLE MUDDY CREEK FISHING ACCESS SITE EASEMENT, SITUATED IN THE N1/2 OF THE SE1/4 OF, SECTION 4, T.18N., R.1E., P.M., CASCADE COUNTY, MONTANA



LEGAL DESCRIPTION: TRACT 1
A TRACT OF LAND BEING ALL OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 1 EAST, OF THE PRINCIPLE MERIDIAN, CASCADE COUNTY, MONTANA, LYING SOUTHEASTERLY OF THE BURLINGTON NORTHERN & SANTE FE (B.N.S.F.) RAILROAD RIGHT-OF-WAY AND WESTERLY OF THE WESTERLY ORDINARY LOW WATER LINE OF THE MISSOURI RIVER; SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE ORIGINAL MARKED STONE WHICH OCCUPIES THE POSITION OF THE QUARTER SECTION CORNER COMMON TO SAID SECTION 4 AND SECTION 9;
THENCE ALONG THE NORTH-SOUTH SECTION CENTER LINE OF SAID SECTION 4, N01°30'05"W A DISTANCE OF 1335.80 FEET TO THE CENTER-SOUTH SIXTEENTH CORNER AND THE SOUTHWEST CORNER OF GENERAL LAND OFFICE (G.L.O.) LOT 7;
THENCE ALONG THE SOUTHERLY LINE OF SAID G.L.O. LOT 7, S89°54'34"E A DISTANCE OF 256.65 FEET TO A 5/8" DIAMETER REBAR WITH A 3" DIAMETER ALUMINUM CAP STAMPED "STEPHEN D. BABB, PLS, MT. REG. 11699LS" WHICH OCCUPIES THE POSITION OF THE INTERSECTION OF SAID SOUTHERLY LINE WITH THE SOUTHEASTERLY LINE OF SAID B.N.S.F. RAILROAD RIGHT-OF-WAY, AND BEING THE POINT OF BEGINNING OF TRACT 1, HEREIN DESCRIBED;
THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY, N46°21'14"E A DISTANCE OF 1593.71 FEET TO A 5/8" DIAMETER REBAR WITH A 1-3/4" DIAMETER NYLON CAP STAMPED "STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REG. 11699LS" WHICH OCCUPIES THE POSITION OF THE POINT OF CURVATURE AT RAILROAD STATION 334+99.7 WHICH IS THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S44°41'59"E A DISTANCE OF 1385.33 FEET;
THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY AND ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 071°2'55" AN ARC DISTANCE OF 174.46 FEET, MORE OR LESS, TO THE ORDINARY LOW WATER LINE OF THE MISSOURI RIVER AS MEASURED ON AUGUST 13, 2018;
THENCE ALONG SAID ORDINARY LOW WATER LINE ON THE FOLLOWING 20 COURSES:
S40°24'52"W A DISTANCE OF 116.13 FEET, TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S49°35'09"E A DISTANCE OF 190.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 54°56'04" AN ARC DISTANCE OF 182.17 FEET;
THENCE S14°31'12"E A DISTANCE OF 58.56 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N75°28'48"E A DISTANCE OF 20.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 150°27'49" AN ARC DISTANCE OF 52.52 FEET;
THENCE N15°00'59"E A DISTANCE OF 74.86 FEET TO AN ANGLE POINT;
THENCE N21°19'10"E A DISTANCE OF 90.95 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S68°40'50"E A DISTANCE OF 25.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 155°41'54" AN ARC DISTANCE OF 67.94 FEET;
THENCE S02°58'56"E A DISTANCE OF 162.85 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N87°01'04"E A DISTANCE OF 190.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°53'28" AN ARC DISTANCE OF 92.49 FEET;
THENCE S30°52'24"E A DISTANCE OF 62.13 FEET TO AN ANGLE POINT;
THENCE S16°56'34"E A DISTANCE OF 166.87 FEET TO AN ANGLE POINT;
THENCE S19°11'21"E A DISTANCE OF 165.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N70°48'39"E A DISTANCE OF 300.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°24'22" AN ARC DISTANCE OF 138.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S44°24'17"W A DISTANCE OF 200.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°40'49" AN ARC DISTANCE OF 54.73 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N60°05'06"E A DISTANCE OF 90.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 53°14'50" AN ARC DISTANCE OF 83.64 FEET;
THENCE S83°09'44"E A DISTANCE OF 38.37 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N06°50'16"E A DISTANCE OF 100.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°26'43" AN ARC DISTANCE OF 40.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S16°36'27"E A DISTANCE OF 70.00 FEET;
THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 73°08'10" AN ARC DISTANCE OF 89.35 FEET;
THENCE S33°28'17"E A DISTANCE OF 180.46 FEET TO AN ANGLE POINT;
THENCE S26°40'48"E A DISTANCE OF 32.08 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4, FROM WHICH THE SOUTH SIXTEENTH CORNER TO SAID SECTIONS 4 AND 5 BEARS S89°54'34"E A DISTANCE OF 411.14 FEET;
THENCE ALONG SAID SOUTHERLY LINE AND ALONG THE SOUTHERLY LINE OF SAID G.L.O. LOT 7, N89°54'34"W A DISTANCE OF 245.91 FEET TO A 5/8" DIAMETER REBAR WITH A 3" DIAMETER ALUMINUM CAP STAMPED "STEPHEN D. BABB, PLS, MT. REG. 11699LS";
THENCE CONTINUING ALONG SAID SOUTHERLY LINES, N89°54'34"W A DISTANCE OF 1700.00 FEET TO THE POINT OF BEGINNING OF TRACT 1, HEREIN DESCRIBED;
CONTAINING IN ALL 1,017,491 SQUARE FEET OR 23.36 ACRES, MORE OR LESS.

BABB
LAND SURVEYING, INC.
622 ALICE DRIVE GREAT FALLS MONTANA 59405
(406) 268-1188 • (406) 268-1189 FAX • (406) 788-6886 CELL • EMAIL: BABBSURVEY@BRESNAN.NET

9. Description of Project:

Montana Fish, Wildlife & Parks (FWP) proposes to obtain a perpetual easement from Montana Department of Natural Resources and Conservation (DNRC) for approximately 22 acres of Montana School Trust Land along the Missouri River in order to obtain permanent access to Little Muddy Creek FAS.

10. List any Other Local, State, or Federal Agency that has Overlapping or Additional Jurisdiction:

(a) **Permits:** Permits would be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
No permits needed	

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
FWP General License Fund	\$55,000

11. History of the Planning and Scoping Process, and Any Public Involvement:

The public will be notified in the following manners to comment on the Little Muddy Creek FAS Perpetual Easement and the Proposed Action and alternatives:

- Two public notices in each of these papers: *the Great Falls Tribune and the Helena Independent Record*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 4 Headquarters in Great Falls and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 4 issues.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

12. Duration of comment period:

The public comment period will extend for (15) fifteen days. Written comments will be accepted until 5:00 p.m., _____ date _____, 2019 and can be emailed to akuser@mt.gov or mailed to the addresses below:

Little Muddy Creek FAS Perpetual Easement
Montana Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620

13. List of Agencies Consulted/Contacted During Preparation of the EA:

- Montana Fish, Wildlife & Parks
- Montana Natural Heritage Program

14. Names, Address, and Phone Number of Project Sponsor:

Allan Kuser, Fishing Access Site Coordinator, PO Box 200701, Helena, MT 59620; (406) 444-1230

15. Other Pertinent Information:

There are 25 FAS's managed by FWP along the 208-mile stretch of the Missouri River between Fairweather FAS near Three Forks and Widow Coulee FAS near Great Falls. In addition, Cascade North Park Access Site,

river mile 2168, is owned by PPL-MT and managed through a cooperative agreement by the town of Cascade. Little Muddy Creek FAS is located in the middle of a 21-mile long river stretch between developed FAS's and is located at river mile 2157 between North Cascade Access Site (river mile 2166), the closest upstream, developed access, and Dunes FAS (river mile 2147). The proposed perpetual easement for Little Muddy Creek FAS would provide a permanent, convenient location for launching and taking out rafts, canoes, kayaks, and at times, drift boats, halfway between North Cascade North Park Access Site and Dunes FAS. Providing additional sites allows greater dispersion of anglers and recreationists by spreading out use and reducing crowding and potential resource damage.

PART II. IDENTIFICATION OF THE PREFERRED ALTERNATIVES

Alternative A, the Proposed Alternative, and Alternative B, the No Action Alternative, were considered.

- **Alternative A (Proposed Alternative)** is as described in Part I, paragraph 9 (Description of Project), to purchase a perpetual easement on approximately 22 acres of Montana School Trust land along the Missouri River for the continued operation of Little Muddy Creek FAS. There are beneficial consequences to acceptance of the **Proposed Alternative**.
- **Alternative B (No Action Alternative)** Under the No Action Alternative, a perpetual easement would not be purchased and a lease would need to be renewed and renegotiated every ten years. Without a perpetual easement, the cost and availability of leasing the property from DNRC could change or become unavailable to FWP. The No Action Alternative would have no significant or potentially negative environmental impacts or consequences.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented: Only the Proposed Alternative and the No Action Alternative were considered. There were no other alternatives that were deemed reasonably available, nor prudent. Neither the proposed alternative nor the no action alternative would have significant negative environmental or potentially negative consequences.

Describe any Alternatives considered and eliminated from Detailed Study:

None. Only the Proposed Alternative and the No Action Alternative were considered. There was no other alternative that were deemed reasonably available, or prudent. Neither the **Proposed Alternative** nor the **No Action Alternative** would have significant negative environmental or potentially negative consequences.

List and explain proposed mitigating measures (stipulations): None

PART III. ENVIRONMENTAL REVIEW

Abbreviated Checklist – The degree and intensity determines extent of Environmental Review. An abbreviated checklist may be used for those projects that are not complex, controversial, or are not in environmentally sensitive areas.

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Unique, endangered, fragile, or limited environmental resources				X		1
2. Terrestrial or aquatic life and/or habitats				X		2
3. Introduction of new species into an area				X		3
4. Vegetation cover, quantity & quality				X		4
5. Water quality, quantity & distribution (surface or groundwater)				X		5
6. Existing water right or reservation				X		6
7. Geology & soil quality, stability & moisture				X		7
8. Air quality or objectionable odors				X		8
9. Historical & archaeological sites				X		9
10. Demands on environmental resources of land, water, air & energy				X		10
11. Aesthetics				X		11

1. No designated critical habitat for any wildlife species is located near the proposed project. According to the MNHP, observations of bald eagle (listed as DM by the USFWS) have been recorded within two miles of the proposed project. The proposed project would have no impact on this species.

2. The proposed project would have no long or short-term impacts on wildlife and no impact on native plant species. Resident or transient wildlife may temporarily leave the area while visitors are present but would return when visitors leave.

3. No new animal or plant species would be introduced to the site as a result of the proposed project.

4. Because the FAS has been established on previously disturbed land, the project would have no impact on the quantity or quality of any vegetation. The proposed project would have no impacts on the riparian community and emergent wetland at the southern border of the FAS and FWP would continue to manage the area to maintain and improve the riparian community on the FAS.

5. The proposed purchase would have no impact on water quality, quantity, and distribution.

6. The proposed purchase would have no impact on water rights or reservation.

7. The proposed purchase would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability. Soil and geologic substructure would remain stable during and after the proposed work.

8. The proposed purchase would have no impact on air quality in the vicinity of the Little Muddy Creek FAS and would not result in any discharge that could conflict with federal or state air quality regulations.

9. Because there would be no soil disturbing activities resulting from the purchase, the proposed project would have no impact on cultural resources.

11. Because the area is already used as a FAS and the project area is small, the proposed project would have no additional impact on the aesthetics of the area.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution & density of population and housing				X		

10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

The proposed purchase would have no impact on social structures and cultural diversity; public benefits provided by wildlife; tax revenues; agricultural production; human health; community and personal income; recreation, environmental ordinances; population density and housing; government services; and commercial activity.

PART IV. NARRATIVE EVALUATION AND COMMENT

All of the pertinent or potential impacts of the project have been reviewed, discussed, and analyzed. The project reviewed is not complex, controversial, or located in an environmentally sensitive area. Little Muddy Creek FAS is already established on DNRC Montana School Trust Land that together with the insignificant environmental effects of the Proposed Action indicates that this should be considered the final version of the environmental assessment. There are no significant environmental or economic impacts associated with the proposed alternative.

PART V. ENVIRONMENTAL CONSEQUENCES

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur? No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant? The Proposed Action has no impacts and it was determined that there are no significant or potentially significant cumulatively impacts. Cumulative impacts have been assessed considering any incremental impact of the proposed action when they are combined with other past, present, and reasonably foreseeable future actions, and no significant impacts or substantially controversial issues were found. There are no extreme hazards created with this project and there are no conflicts with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan.

Recommendation and justification concerning preparation of EIS:

There are no significant environmental or economic impacts associated with the proposed alternative; therefore, an EIS is not required.

PART VI. EA CONCLUSION SECTION

Individuals or groups contributing to, or commenting on, this EA:

- Allan Kuser, FWP FAS Coordinator, PO Box 200701, Helena, MT 59620. (406) 444-7885
- MT Fish Wildlife and Parks

EA prepared by:

Andrea Darling, Darling Natural Resource Consulting, Montana City, MT 59634

Date Completed:

January 14, 2019

Describe public involvement, if any:

This draft EA will be advertised on FWP's web site and through a legal ad in the ***Great Falls Tribune, Great Falls, MT*** announcing a public comment period. A press release will also announce the project and comment period.